

EXHIBIT A



LAW OFFICES

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PATENTS, TRADEMARKS, COPYRIGHTS

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April 4, 2006

Kurt G. Calia, Esquire
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401

**Re: In re: '318 Patent Infringement Litigation;
Civil Action No. 05-356-KAJ (consolidated)
Our Reference No.: M1260/40001**

Dear Kurt:

This letter is in further response to your letter dated March 29, 2006 regarding the March 24th meet and confer and in response to your e-mail dated March 31, 2006 regarding the Rule 30(b)(6) Deposition Notices to Alphapharm.

With respect to your inquiry about the availability of Mr. Spencer for a deposition before May 9-10, 2006, he is not available because of prior business commitments. There will be no prejudice to Plaintiffs if Mr. Spencer is deposed on May 9-10 since those dates are only two weeks after Plaintiffs' original dates for Alphapharm's Rule 30(b)(6) depositions. Please advise as soon as possible whether Plaintiffs will agree to Mr. Spencer's deposition on May 9-10, 2006 at the law offices of Pryor, Cashman, Sherman & Flynn in New York City.

Plaintiffs' Rule 30(b)(6) topics are addressed below.

I. Notice of Deposition for April 25, 2006¹

TOPIC NO. 1. Alphapharm's Paragraph IV notice including, without limitation, the meaning of, basis for, and any evaluation or analysis concerning the statement set forth in the letter that "Alphapharm's opinion and to the best of its knowledge, the '318 patent... will not be infringed by the manufacture, use, or sale of Alphapharm's galantamine hydrobromide tablets that are the subject of Alphapharm's ANDA."

¹ The dates listed correspond to the deposition date set forth in the Rule 30(b)(6) Deposition Notices to Alphapharm.

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Our understanding is that Plaintiffs have withdrawn this topic since Plaintiffs have withdrawn similar non-infringement topics that were specific to Mylan.

TOPIC NO. 2. The dates and circumstances of any analysis, discussion, or evaluation of the '318 patent conducted by or on behalf of Alphapharm, including but not limited to, identification of all individuals involved.

In view of Plaintiffs withdrawing this topic to the extent that it concerns infringement/willful infringement and subject to its objections,² Alphapharm designates Mr. Spencer to testify on this topic.

TOPIC NO. 3. Documents, laboratory notes, or minutes, of any analysis, discussion, or evaluation of the '318 patent conducted by or on behalf of Alphapharm.

In view of Plaintiffs withdrawing this topic to the extent that it concerns infringement/willful infringement and subject to its objections, Alphapharm designates Mr. Spencer to testify on this topic.

TOPIC NO. 4. The factual and legal bases for Alphapharm's First Affirmative Defense that the manufacture, use, offering for sale or importation of the galantamine hydrobromide tablets that are the subject of Alphapharm's ANDA will not infringe directly or indirectly any valid claim of the '318 patent.

Our understanding is that Plaintiffs have withdrawn this topic since Plaintiffs have withdrawn similar non-infringement topics that were specific to Mylan.

TOPIC NO. 5. The factual and legal bases for Alphapharm's First Counterclaim that the manufacture, use, offering for sale or importation of the galantamine hydrobromide tablets that are the subject of its ANDA will not infringe directly or indirectly any valid claim of the '318 patent according to its proof elements, including an element-by-element comparison of each asserted claim of the '318 patent to the use of the Generic Product.

Our understanding is that Plaintiffs have withdrawn this topic since Plaintiffs have withdrawn similar non-infringement topics that were specific to Mylan.

² Alphapharm's reference to "its objections" herein refers to the formal objections that were made to the corresponding topics in Alphapharm's Responses and Objections to Plaintiffs Rule 30(b)(6) Notices that were served on Plaintiffs on March 16, 2006.

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TOPIC NO. 6 The factual and legal bases for Alphapharm's First Counterclaim that the filing of its ANDA did not infringe any valid claim of the '318 patent according to its proof elements, including an element-by-element comparison of each asserted claim of the '318 patent to the use of the Generic Product.

Our understanding is that Plaintiffs have withdrawn this topic since Plaintiffs have withdrawn similar non-infringement topics that were specific to Mylan.

TOPIC NOS. 7 & 8.

7. The identity and location of documents and things concerning the foregoing topics.

8. Persons knowledgeable about the subject matter of the foregoing topics.

As stated in your March 29th letter at 2, Plaintiffs have agreed that the topics at the end of each Deposition Notice that seek the identity and location of documents and the identity of knowledgeable persons are subsumed into the substantive topics that are in the Notice. Accordingly, Mr. Spencer will testify to these topics to the extent that he provides testimony on the other topics listed in the April 25th Notice.

II. Notice of Deposition for April 26, 2006

All of the topics listed in this Notice concern any efforts by Alphapharm to license the '318 patent and/or any negotiations or communications with Synaptech or Bonnie Davis. As we have advised you in the past, Alphapharm is not aware of any such licensing efforts or communications. Notwithstanding, Plaintiffs are free to confirm the non-existence of such information through Mr. Spencer.

III. Notice of Deposition for April 27, 2006

TOPIC NO. 1 Alphapharm's Paragraph IV notice including, without limitation, the meaning of, basis for, and any evaluation or analysis concerning the statement set forth in the letter that "the '318 patent ... [is] invalid."

We are disappointed that Plaintiffs will not agree to withdraw or reschedule this topic that relates to contention discovery. As stated during the meet and confer, it is difficult to imagine any non-privileged or non-work product information that a fact witness from Alphapharm would have about its invalidity defenses that has not already been provided (or will be provided) in the form of a discovery response. Subject to these objections, we will advise you later this week whether Alphapharm will designate a witness on this topic.

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TOPIC NO. 2 Any evaluation, consideration or discussion conducted by Alphapharm to develop the Generic Product, including the names and responsibilities of all persons who were involved in the evaluation, consideration or discussion by Alphapharm to develop the Generic Product.

Subject to its objections, Alphapharm designates Mr. Spencer to testify on this topic.

TOPIC NO. 3 The decision to file an application with the FDA seeking approval to manufacture and sell a drug product containing galantamine.

Subject to its objections, Alphapharm designates Mr. Spencer to testify on this topic.

TOPIC NO. 4 Any evaluation, consideration or discussion conducted by Alphapharm to market the Generic Product, including the names and responsibilities of all persons who were involved in the evaluation, consideration or discussion by Alphapharm to market the Generic Product.

Subject to its objections, Alphapharm designates Mr. Spencer to testify on this topic.

TOPIC NO. 5 The benefits, including revenues and profits, that Alphapharm projects, anticipates, expects, or forecasts it will obtain should Alphapharm's ANDA receive approval from the U.S. Food and Drug Administration.

Subject to its objections, Alphapharm designates Mr. Spencer to testify on this topic.

TOPIC NO. 6 Marketing strategies, marketing plan, and projected sales for Alphapharm's Generic Product.

Subject to its objections, Alphapharm designates Mr. Spencer to testify on this topic.

TOPIC NO. 7 Each and every contribution and/or input that Alphapharm, or any employee or agent of Alphapharm, has made to the preparation, decision to file, filing and/or prosecution of Alphapharm's ANDA, including: (a) any information relating to regulatory procedures and strategies for obtaining regulatory approval of the Generic Product of Alphapharm's ANDA; (b) any information comprising, relating to or contained in the 21 U.S.C. § 355(j)(2)(A)(vii)(IV) certifications submitted in connection with Alphapharm's ANDA; and (c) any information comprising, relating to or contained in the statements of factual and legal basis for invalidity, unenforceability, and/or noninfringement included with the notice of these certifications.

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This topic remains overly broad in that it seeks testimony on "each and every contribution and/or input that Alphapharm, or any employee or agent of Alphapharm, has made to the preparation, decision to file, filing and/or prosecution of Alphapharm's ANDA..." It is unreasonable for Plaintiffs to expect Alphapharm to prepare a witness on such a topic that, in essence, has no limits. To the extent that this topic is not objectionable, it is subsumed in topics 2 and 3 of this Notice and Mr. Spencer has been designated to testify on those topics.

TOPIC NO. 8 The factual basis for Alphapharm's proposed assertion that Alphapharm's ANDA is indicated for the treatment of mild to moderate Alzheimer's disease.

Subject to its objections, Alphapharm designates Mr. Spencer to testify on this topic.

TOPIC NO. 9 The circumstances in which Alphapharm first became aware of galantamine as a treatment of Alzheimer's disease, including but not limited to the date on which this occurred and the people involved.

Subject to its objections, Alphapharm designates Mr. Spencer to testify on this topic.

TOPIC NO. 10 The circumstances in which Alphapharm first became aware of the '318 patent, including but not limited to the date on which this occurred and the people involved.

Subject to its objections, Alphapharm designates Mr. Spencer to testify on this topic.

TOPIC NOS. 11 - 14

11. Any consideration or evaluation by Alphapharm to develop a drug product containing galantamine for the treatment of Alzheimer's Disease.
12. Identification of all individuals, whether employees of Alphapharm or third parties, having a role in the consideration or evaluation by Alphapharm to develop a drug product containing galantamine for the treatment of Alzheimer's disease that is the subject of Topic 11, and a description of those roles.
13. Any effort by Alphapharm to develop any drug product other than the Generic Product set forth in Alphapharm's ANDA.

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14. Identification of all individuals, whether employees of Alphapharm or third parties, having a role in the research, development or testing of such a treatment responsive to Topic 13, and a description of those roles.

We were surprised to learn that you unilaterally changed the agreement that you made earlier with the Defendants. Specifically, during the March 24th meet and confer you had agreed to withdraw topics 11 and 12 and to limit topics 13 and 14 to failed efforts to develop any non-galantamine drug product other than the one in the ANDA. The scope of information you now seek is significantly broader than what you had agreed to earlier. We also object to the extent that Plaintiffs seek testimony on Alphapharm's other drug products for treating the Alzheimer's disease that post-date Alphapharm's ANDA. We are considering the scope of discovery that you now seek and will advise you later this week.

TOPIC NO. 15 The factual and legal bases for Alphapharm's Second Affirmative Defense that each claim of the '318 patent is invalid for failure to satisfy one or more of sections 101, 102, 103, 112 and 116 of Title 35 of the United States Code.

See response to topic no. 1 under this Notice.

TOPIC NO. 16 The factual and legal bases for Alphapharm's Second Counterclaim that each claim of the '318 patent is invalid for failure to satisfy one or more of sections 101, 102, 103, 112 and 116 of Title 35 of the United States Code according to its proof elements, including an element-by-element comparison of each asserted claim of the '318 patent to the prior art Alphapharm relies upon and the motivation of one of skill in the art to combine any references under 35 U.S.C. § 103, as well as a description of any non-prior art defenses such as lack of enablement, insufficient written description, failure to disclose best mode, or claim indefiniteness under 35 U.S.C. § 112.

See response to topic no. 1 under this Notice.

TOPIC NO. 18 Alphapharm's document retention policies from 1986 to the present.

Subject to its objections, Alphapharm designates Mr. Spencer to testify on this topic.

TOPIC NOS. 17 and 19

17. The identity and location of documents and things concerning the foregoing topics.

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19. Persons knowledgeable about the subject matter of the foregoing topics.

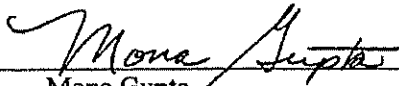
As stated in your March 29th letter at 2, Plaintiffs have agreed that the topics at the end of each Deposition Notice that seek the identity and location of documents and the identity of knowledgeable persons are subsumed into the substantive topics that are in the Notice. Accordingly, Mr. Spencer will testify to these topics to the extent that he provides testimony on the other topics listed in April 27th Notice.

Again, please advise us as soon as possible whether Plaintiffs agree to depose Mr. Spencer on May 9-10th in New York City.

Cordially yours,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

MG/tc

By 
Mona Gupta

SENT VIA EMAIL AND FIRST CLASS MAIL

cc: All Defense Counsel (see attached service list)
Fred L. Cottrell, Esquire (via e-mail)
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EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE '318 PATENT
INFRINGEMENT LITIGATION

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)
)
)

Civil Action No. 05-356 (KAJ)
(Consolidated)

NOTICE OF SERVICE

PLEASE TAKE NOTICE that on March 16, 2006, copies of Defendant Alphapharm Pty Ltd.'s Responses and Objections to Plaintiffs' Rule 30(b)(6) Deposition Noticed for April 25, 2006 were served on counsel as indicated on the attached service list.

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Dated: March 16, 2006

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UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2006, I electronically filed the foregoing with the Clerk of Court using CM/ECF which will send notification of such filing to the following and which has also been served as noted:

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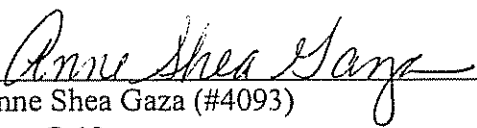
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**IN RE '318 PATENT
INFRINGEMENT LITIGATION**

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**Civil Action No. 05-356 (KAJ)
(Consolidated)**

**DEFENDANT ALPHAPHARM PTY LTD.'S RESPONSES AND OBJECTIONS TO
PLAINTIFFS' RULE 30(b)(6) DEPOSITION NOTICED FOR APRIL 25, 2006**

Pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure, Defendant Alphapharm Pty Ltd. ("Alphapharm") responds to Plaintiffs' Rule 30(b)(6) Deposition noticed for April 25, 2006

GENERAL OBJECTIONS

1. Pursuant to the Court's Revised Scheduling Order dated January 12, 2006, Alphapharm objects to the location for which Plaintiffs have noticed this deposition. Alphapharm will make any appropriate Rule 30(b)(6) designee(s) available for deposition at a mutually convenient location to be determined.

2. Alphapharm objects to April 25, 2006 as the date for the deposition. Alphapharm and its counsel are not available on this date and will provide Plaintiffs with alternative dates.

3. Alphapharm objects to Plaintiffs' multiple Rule 30(b)(6) Notices of Deposition served on Alphapharm.

4. Alphapharm objects to the deposition topics to the extent that they are directed to willful infringement, which claim the Court dismissed and, therefore, is no longer at issue in this

litigation. Similarly, Alphapharm objects to the deposition topics to the extent that they seek information concerning infringement/non-infringement. Defendants have stipulated to infringement in the event that the '318 patent is found valid and enforceable, and therefore infringement/non-infringement is no longer at issue in this litigation. Plaintiffs furthermore agreed in the Stipulation Not to Contest Infringement at paragraph 3 that they "will not seek discovery from Defendants relating solely to the issue of infringement of the '318 patent." Plaintiffs should re-issue any Rule 30(b)(6) Notice of Deposition to Alphapharm pursuant to the Court's recent ruling on willfulness and the parties' Stipulation Not to Contest Infringement.

5. Alphapharm objects to the deposition topics to the extent they seek information protected by the attorney-client privilege and/or the attorney work product privilege

6. Alphapharm objects to Plaintiffs' definition of "Alphapharm" to the extent that it refers to entities and individuals over which Alphapharm has no control over or affiliation with and/or that (who) are not a party to this suit.

7. Alphapharm objects to Plaintiffs' definition of "Galantamine" as overly broad and unduly burdensome to the extent that it refers to products other than the galantamine hydrobromide product that is the subject of Alphapharm's ANDA No. 77-603.

SPECIFIC OBJECTIONS AND RESPONSES TO THE TOPICS OF EXAMINATION

TOPIC NO. 1. Alphapharm's Paragraph IV notice including, without limitation, the meaning of, basis for, and any evaluation or analysis concerning the statement set forth in the letter that "Alphapharm's opinion and to the best of its knowledge, the '318 patent... will not be infringed by the manufacture, use, or sale of Alphapharm's galantamine hydrobromide tablets that are the subject of Alphapharm's ANDA."

RESPONSE

Alphapharm notes that pursuant to Kurt Calia' letter dated March 15, 2006 that Plaintiffs

have withdrawn from this topic testimony as it relates to infringement. Since Mr. Calia's letter did not expressly mention withdrawing "willful" infringement, Alphapharm objects to this topic to the extent that it is directed to willful infringement, which has been dismissed from the case. Alphapharm also objects to the extent that the topic calls for information subject to the attorney-client privilege and/or attorney work product privilege. Alphapharm also objects to the extent that the topic purports to seek expert discovery in advance of the Court's Revised Scheduling Order. Alphapharm still further objects on the basis that the topic is overly broad, unduly burdensome and is directed to information that is not relevant to the claim or defense of any party in this action and not reasonably calculated to lead to the discovery of admissible evidence. Alphapharm also objects to the extent that this topic is cumulative and duplicative of the other topics in the Rule 30(b)(6) Notices of Deposition that Plaintiffs served on Alphapharm.

TOPIC NO. 2. The dates and circumstances of any analysis, discussion, or evaluation of the '318 patent conducted by or on behalf of Alphapharm, including but not limited to, identification of all individuals involved.

RESPONSE

Alphapharm objects to this topic to the extent that it is directed to willful infringement, which has been dismissed from the case. Alphapharm further objects to the extent that the topic calls for information subject to the attorney-client privilege and/or attorney work product privilege. Alphapharm also objects to the extent that the topic purports to seek expert discovery in advance of the Court's Revised Scheduling Order. Alphapharm still further objects to this topic as overly broad and unduly burdensome and to the extent that it seeks the identification of *all* individuals described in the topic. Alphapharm also objects to the extent that this topic is cumulative and duplicative of the other topics in the Rule 30(b)(6) Notices of Deposition that

Plaintiffs served on Alphapharm.

TOPIC NO. 3. Documents, laboratory notes, or minutes, of any analysis, discussion, or evaluation of the '318 patent conducted by or on behalf of Alphapharm.

RESPONSE

Alphapharm objects to this topic to the extent that it is directed to willful infringement, which has been dismissed from the case. Alphapharm further objects to the extent that the topic calls for information subject to the attorney-client privilege and/or attorney work product privilege. Alphapharm still further objects to the extent that the topic purports to seek expert discovery in advance of the Court's Revised Scheduling Order. Alphapharm also objects to the topic as overly broad and unduly burdensome. Alphapharm also objects to the extent that this topic is cumulative and duplicative of the other topics in the Rule 30(b)(6) Notices of Deposition that Plaintiffs served on Alphapharm.

TOPIC NO. 4. The factual and legal bases for Alphapharm's First Administrative Defense that the manufacture, use, offering for sale or importation of the galantamine hydrobromide tablets that are the subject of Alphapharm's ANDA will not infringe directly or indirectly any valid claim of the '318 patent.

RESPONSE

Alphapharm objects to this topic to the extent that it is directed to willful infringement, which has been dismissed from the case. Alphapharm further objects to this topic to the extent that it is directed to infringement, which has been dismissed from the case pursuant to the Stipulation Not to Contest Infringement. Alphapharm also objects to the extent that this topic is directed to contentions, which information should be sought through interrogatories. Alphapharm also objects to the extent that the topic calls for information subject to the attorney-client privilege and/or attorney work product privilege. Alphapharm also objects to the extent

that the topic purports to seek expert discovery in advance of the Court's Revised Scheduling Order. Alphapharm still further objects on the basis that the topic is overly broad, unduly burdensome and is directed to information that is not relevant to the claim or defense of any party in this action and not reasonably calculated to lead to the discovery of admissible evidence. Alphapharm also objects to the extent that this topic is cumulative and duplicative of the other topics in the Rule 30(b)(6) Notices of Deposition that Plaintiffs served on Alphapharm.

TOPIC NO. 5. The factual and legal bases for Alphapharm's First Counterclaim that the manufacture, use, offering for sale or importation of the galantamine hydrobromide tablets that are the subject of its ANDA will not infringe directly or indirectly any valid claim of the '318 patent according to its proof elements, including an element-by-element comparison of each asserted claim of the '318 patent to the use of the Generic Product.

RESPONSE

Alphapharm objects to this topic to the extent that it is directed to willful infringement, which has been dismissed from the case. Alphapharm further objects to this topic to the extent that it is directed to infringement, which has been dismissed from the case pursuant to the Stipulation Not to Contest Infringement. Alphapharm also objects to the extent that this topic is directed to contentions, which information should be sought through interrogatories. Alphapharm also objects to the extent that the topic calls for information subject to the attorney-client privilege and/or attorney work product privilege. Alphapharm also objects to the extent that the topic purports to seek expert discovery in advance of the Court's Revised Scheduling Order. Alphapharm still further objects on the basis that the topic is overly broad, unduly burdensome and is directed to information that is not relevant to the claim or defense of any party in this action and not reasonably calculated to lead to the discovery of admissible evidence.

Alphapharm also objects to the extent that this topic is cumulative and duplicative of the other topics in the Rule 30(b)(6) Notices of Deposition that Plaintiffs served on Alphapharm.

TOPIC NO. 6 The factual and legal bases for Alphapharm's First Counterclaim that the filing of its ANDA did not infringe any valid claim of the '318 patent according to its proof elements, including an element-by-element comparison of each asserted claim of the '318 patent to the use of the Generic Product.

RESPONSE

Alphapharm notes that pursuant to Kurt Calia's letter dated March 15, 2006 that Plaintiffs have withdrawn from this topic testimony as it relates to infringement. Since Mr. Calia's letter did not expressly mention withdrawing "willful" infringement, Alphapharm objects to this topic to the extent that it is directed to willful infringement, which has been dismissed from the case. Alphapharm also objects to the extent that this topic is directed to contentions, which information should be sought through interrogatories. Alphapharm also objects to the extent that the topic calls for information subject to the attorney-client privilege and/or attorney work product privilege. Alphapharm also objects to the extent that the topic purports to seek expert discovery in advance of the Court's Revised Scheduling Order. Alphapharm still further objects on the basis that the topic is overly broad, unduly burdensome and is directed to information that is not relevant to the claim or defense of any party in this action and not reasonably calculated to lead to the discovery of admissible evidence. Alphapharm also objects to the extent that this topic is cumulative and duplicative of the other topics in the Rule 30(b)(6) Notices of Deposition that Plaintiffs served on Alphapharm.

TOPIC NO. 7. The identity and location of documents and things concerning the foregoing topics.

RESPONSE

Alphapharm objects to this topic as overly broad and unduly burdensome. Alphapharm incorporates herein its objections in response to topics 1-6, above.


TOPIC NO. 8. Persons knowledgeable about the subject matter of the foregoing topics.

RESPONSE

Alphapharm objects to this topic as overly broad and unduly burdensome. Alphapharm incorporates herein its objections in response to topics 1-7, above.

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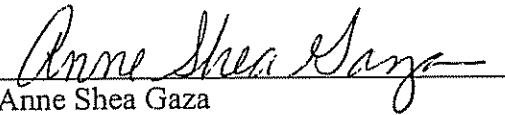
Dated: March 16, 2006

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of March, one (1) true and correct copy of the foregoing **DEFENDANT ALPHAPHARM PTY LTD.'S RESPONSES AND OBJECTIONS TO PLAINTIFFS' RULE 30(B)(6) DEPOSITION NOTICED FOR APRIL 25, 2006**, has been served upon the following counsel:

SEE ATTACHED SERVICE LIST

Dated: March 16, 2006


Anne Shea Gaza

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE '318 PATENT
INFRINGEMENT LITIGATION

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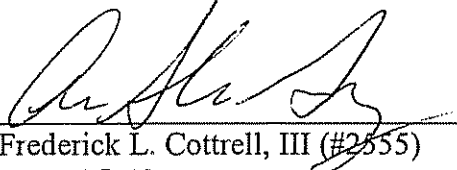
Civil Action No. 05-356 (KAJ)
(Consolidated)

NOTICE OF SERVICE

PLEASE TAKE NOTICE that on March 16, 2006, copies of Defendant Alphapharm Pty Ltd.'s Responses and Objections to Plaintiffs' Rule 30(b)(6) Deposition Noticed for April 26, 2006 were served on counsel as indicated on the attached service list.

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Dated: March 16, 2006

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UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2006, I electronically filed the foregoing with the Clerk of Court using CM/ECF which will send notification of such filing to the following and which has also been served as noted:

By E-mail and Hand Delivery

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I further certify that on March 16, 2006, the foregoing document was sent to the following non-registered participants in the manner indicated::

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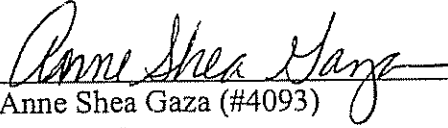
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**IN RE '318 PATENT
INFRINGEMENT LITIGATION**

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**Civil Action No. 05-356 (KAJ)
(Consolidated)**

**DEFENDANT ALPHAPHARM PTY LTD.'S RESPONSES AND OBJECTIONS TO
PLAINTIFFS' RULE 30(b)(6) DEPOSITION NOTICED FOR APRIL 26, 2006**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant Alphapharm Pty Ltd. ("Alphapharm") responds to Plaintiffs' Rule 30(b)(6) Deposition noticed for April 26, 2006.

GENERAL OBJECTIONS

1. Pursuant to the Court's Revised Scheduling Order dated January 12, 2006, Alphapharm objects to the location for which Plaintiffs have noticed this deposition. Alphapharm will make any appropriate Rule 30(b)(6) designee(s) available for deposition at a mutually convenient location to be determined.

2. Alphapharm objects to April 26, 2006 as the date for the deposition. Alphapharm and its counsel are not available on this date and will provide Plaintiffs with alternative dates.

3. Alphapharm objects to Plaintiffs' multiple Rule 30(b)(6) Notices of Deposition served on Alphapharm.

4. Alphapharm objects to the deposition topics to the extent that they are directed to willful infringement, which claim the Court dismissed and, therefore, is no longer at issue in this

litigation. Similarly, Alphapharm objects to the deposition topics to the extent that they seek information concerning infringement/non-infringement. Defendants have stipulated to infringement in the event that the '318 patent is found valid and enforceable, and therefore infringement/non-infringement is no longer at issue in this litigation. Plaintiffs furthermore agreed in the Stipulation Not to Contest Infringement at paragraph 3 that they "will not seek discovery from Defendants relating solely to the issue of infringement of the '318 patent." Plaintiffs should re-issue any Rule 30(b)(6) Notice of Deposition to Alphapharm pursuant to the Court's recent ruling on willfulness and the parties' Stipulation Not to Contest Infringement.

5. Alphapharm objects to the deposition topics to the extent they seek information protected by the attorney-client privilege and/or the attorney work product privilege

6. Alphapharm objects to Plaintiffs' definition of "Alphapharm" to the extent that it refers to entities and individuals over which Alphapharm has no control over or affiliation with and/or that (who) are not a party to this suit.

7. Alphapharm objects to Plaintiffs' definition of "Galantamine" as overly broad and unduly burdensome to the extent that it refers to products other than the galantamine hydrobromide product that is the subject of Alphapharm's ANDA No. 77-603.

SPECIFIC OBJECTIONS AND RESPONSES TO THE TOPICS OF EXAMINATION

TOPIC NO. 1. Any consideration or evaluation to license the '318 patent conducted by or on behalf of Alphapharm, including but not limited to the names and responsibilities of all persons who were involved in any evaluation, consideration or discussion by or on behalf of Alphapharm to license the '318 patent or to develop or market a product whose use would be covered by the '318 patent.

RESPONSE

Alphapharm objects to the topic as assuming the existence of information that does not exist. Alphapharm further objects on the basis that the topic is overly broad and unduly burdensome. Alphapharm still further objects to the extent that the topic seeks information on products other than the generic product that is the subject of Alphapharm's ANDA No. 77-603. In Kurt Calia's letter dated March 10, 2006, Plaintiffs agreed to limit production of documents to those that relate to the specific products that are the subject of Janssen's NDA No. 21-169 and Defendants' respective ANDAs. Alphapharm is not aware of any efforts to license the '318 patent and therefore there is no responsive Rule 30(b)(6) designee for this topic.

TOPIC NO. 2. All negotiations or communication with Synaptech or Dr. Bonnie Davis regarding the '318 patent.

RESPONSE

Alphapharm objects to the topic as assuming the existence of information that does not exist. Alphapharm further objects on the basis that the topic is overly broad and unduly burdensome. Alphapharm is not aware of any negotiations or communications with Synaptech or Dr. Bonnie Davis regarding the '318 patent and therefore there is no responsive Rule 30(b)(6) designee for this topic.

TOPIC NO. 3. All negotiations or communication with Synaptech or Dr. Bonnie Davis regarding the use of galantamine or a drug product containing galantamine as a possible treatment for Alzheimer's Disease.

RESPONSE

Alphapharm objects to the topic as assuming the existence of information that does not exist. Alphapharm further objects on the basis that the topic is overly broad and unduly

burdensome. Alphapharm still further objects to the extent that the topic seeks information on products other than the generic product that is the subject of Alphapharm's ANDA No. 77-603. In Kurt Calia's letter dated March 10, 2006, Plaintiffs agreed to limit production of documents to those that relate to the specific products that are the subject of Janssen's NDA No. 21-169 and Defendants' respective ANDAs. Alphapharm is not aware of any negotiations or communications with Synaptech or Dr. Bonnie Davis and therefore there is no responsive Rule 30(b)(6) designess to this topic.

TOPIC NO. 4. Any meetings, discussions, or communications concerning the subject matter identified in Topics 1 through 3.

RESPONSE

Alphapharm objects to the topic as assuming the existence of information that does not exist. Alphapharm further objects on the basis that the topic is overly broad and unduly burdensome. Alphapharm incorporates herein its objections in response to topics 1-3, above.

TOPIC NO. 5. Any documents related to Topics 1 through 3 that were either not produced in this case, and the circumstances under which the documents were withheld for production or destroyed, the identification of all persons with knowledge of the documents and/or their contents, and, in the case of documents destroyed, the dates of the destruction.

RESPONSE

Alphapharm objects to the topic as assuming the existence of information that does not exist. Alphapharm further objects on the basis that the topic is overly broad and unduly burdensome. Alphapharm incorporates herein its objections in response to topics 1-4, above.

TOPIC NO. 6. The identity and location of documents and things concerning the foregoing topics.

RESPONSE

Alphapharm objects to the topic as assuming the existence of information that does not exist. Alphapharm further objects on the basis that the topic is overly broad and unduly burdensome. Alphapharm incorporates herein its objections in response to topics 1-5, above.

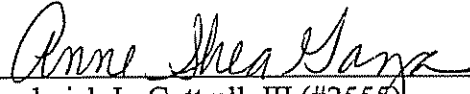
TOPIC NO. 7. Persons knowledgeable about the subject matter of the foregoing topics.

RESPONSE

Alphapharm objects to the topic as assuming the existence of information that does not exist. Alphapharm further objects on the basis that the topic is overly broad and unduly burdensome. Alphapharm incorporates herein its objections in response to topics 1-6, above.

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Attorneys for Defendant, Alphapharm Pty Ltd.


Dated: March 16, 2006

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of March, one (1) true and correct copy of the foregoing **DEFENDANT ALPHAPHARM PTY LTD.'S RESPONSES AND OBJECTIONS TO PLAINTIFFS' RULE 30(B)(6) DEPOSITION NOTICED FOR APRIL 26, 2006**, has been served upon the following counsel:

SEE ATTACHED SERVICE LIST

Dated: March 16, 2006


Anne Shea Gaza

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE '318 PATENT
INFRINGEMENT LITIGATION

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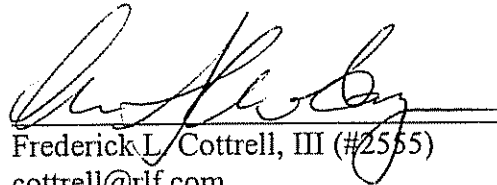
Civil Action No. 05-356 (KAJ)
(Consolidated)

NOTICE OF SERVICE

PLEASE TAKE NOTICE that on March 16, 2006, copies of Defendant Alphapharm Pty Ltd.'s Responses and Objections to Plaintiffs' Rule 30(b)(6) Deposition Noticed for April 27, 2006 were served on counsel as indicated on the attached service list.

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Dated: March 16, 2006

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UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2006, I electronically filed the foregoing with the Clerk of Court using CM/ECF which will send notification of such filing to the following and which has also been served as noted:

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I further certify that on March 16, 2006, the foregoing document was sent to the following non-registered participants in the manner indicated::

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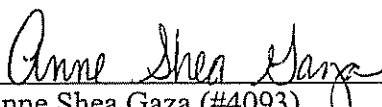
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**IN RE '318 PATENT
INFRINGEMENT LITIGATION**

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**Civil Action No. 05-356 (KAJ)
(Consolidated)**

**DEFENDANT ALPHAPHARM PTY LTD.'S RESPONSES AND OBJECTIONS TO
PLAINTIFFS' RULE 30(b)(6) DEPOSITION NOTICED FOR APRIL 27, 2006**

Defendant Alphapharm Pty Ltd. ("Alphapharm") responds to Plaintiffs' April 27, 2006 Notice of Rule 30(b)(6) Deposition Pursuant to Rules 26 and 30 of the Federal Rules of Civil Procedure.

GENERAL OBJECTIONS

1. Pursuant to the Court's Revised Scheduling Order dated January 12, 2006, Alphapharm objects to the location for which Plaintiffs have noticed this deposition. Alphapharm will make any appropriate Rule 30(b)(6) designee(s) available for deposition at a mutually convenient location to be determined.

2. Alphapharm objects to April 27, 2006 as the date for the deposition. Alphapharm and its counsel are not available on this date and will provide Plaintiffs with alternative dates.

3. Alphapharm objects to Plaintiffs' multiple Rule 30(b)(6) Notices of Deposition served on Alphapharm.

4. Alphapharm objects to the deposition topics to the extent that they are directed to willful infringement, which claim the Court dismissed and, therefore, is no longer at issue in this litigation. Similarly, Alphapharm objects to the deposition topics to the extent that they seek

information concerning infringement/non-infringement. Defendants have stipulated to infringement in the event that the '318 patent is found valid and enforceable, and therefore infringement/non-infringement is no longer at issue in this litigation. Plaintiffs furthermore agreed in the Stipulation Not to Contest Infringement at paragraph 3 that they "will not seek discovery from Defendants relating solely to the issue of infringement of the '318 patent." Plaintiffs should re-issue any Rule 30(b)(6) Notice of Deposition to Alphapharm pursuant to the Court's recent ruling on willfulness and the parties' Stipulation Not to Contest Infringement.

5. Alphapharm objects to the deposition topics to the extent they seek information protected by the attorney-client privilege and/or the attorney work product privilege

6. Alphapharm objects to Plaintiffs' definition of "Alphapharm" to the extent that it refers to entities and individuals over which Alphapharm has no control over or affiliation with and/or that (who) are not a party to this suit.

7. Alphapharm objects to Plaintiffs' definition of "Galantamine" as overly broad and unduly burdensome to the extent that it refers to products other than the galantamine hydrobromide product that is the subject of Alphapharm's ANDA No. 77-603.

SPECIFIC OBJECTIONS AND RESPONSES TO THE TOPICS OF EXAMINATION

TOPIC NO. 1. Alphapharm's Paragraph IV notice including, without limitation, the meaning of, basis for, and any evaluation or analysis concerning the statement set forth in the letter that "the '318 patent ... [is] invalid."

RESPONSE

Alphapharm objects to this topic to the extent that it is directed to willful infringement, which has been dismissed from the case. Alphapharm further objects to the extent that the topic calls for information subject to the attorney-client privilege and/or attorney work product

privilege. Alphapharm still further objects to the extent that the topic purports to seek expert discovery in advance of the Court's Revised Scheduling Order. Alphapharm also objects to this topic as overly broad and unduly burdensome. Alphapharm also objects to the extent that this topic is cumulative and duplicative of the other topics of the Rule 30(b)(6) Notices of Deposition that Plaintiffs served on Alphapharm.

TOPIC NO. 2. Any evaluation, consideration or discussion conducted by Alphapharm to develop the Generic Product, including the names and responsibilities of all persons who were involved in the evaluation, consideration or discussion by Alphapharm to develop the Generic Product.

RESPONSE

Alphapharm objects to this topic to the extent that it is directed to willful infringement, which has been dismissed from the case. Alphapharm further objects to this topic to the extent that it is directed to infringement, which has been dismissed from the case pursuant to the Stipulation Not to Contest Infringement. Alphapharm still further objects to this topic as overly broad and unduly burdensome and to the extent that it unreasonably expects a witness to identify *all* names and responsibilities of persons described in the topic. Alphapharm also objects to the extent that the topic calls for information subject to the attorney-client privilege and/or attorney work product privilege. Alphapharm also objects on the basis that the topic is directed to information that is not relevant to the claim or defense of any party in this action and not reasonably calculated to lead to the discovery of admissible evidence. Alphapharm also objects to the extent that this topic is cumulative and duplicative of the other topics in the Rule 30(b)(6) Notices of Deposition that Plaintiffs served on Alphapharm.

TOPIC NO. 3. The decision to file an application with the FDA seeking approval to manufacture and sell a drug product containing galantamine.

RESPONSE

Alphapharm objects to this topic to the extent that it is directed to willful infringement, which has been dismissed from the case. Alphapharm further objects to this topic to the extent that it is directed to infringement, which has been dismissed from the case pursuant to the Stipulation Not to Contest Infringement. Alphapharm still further objects to the extent that the topic calls for information subject to the attorney-client privilege and/or work attorney product privilege. Alphapharm also objects on the basis that the topic is overly broad, unduly burdensome and is directed to information not relevant to the claim or defense of any party in this action and not reasonably calculated to lead to the discovery of admissible evidence. Alphapharm also objects to the extent that the topic seeks information on products other than the generic product that is the subject of Alphapharm's ANDA No. 77-603. In Kurt Calia's letter dated March 10, 2006, Plaintiffs agreed to limit production of documents to those that relate to the specific products that are the subject of Janssen's NDA No. 21-169 and Defendants' respective ANDAs. Alphapharm also objects to the extent that this topic is cumulative and duplicative of the other topics in the Rule 30(b)(6) Notices of Deposition that Plaintiffs served on Alphapharm.

TOPIC NO. 4. Any evaluation, consideration or discussion conducted by Alphapharm to market the Generic Product, including the names and responsibilities of all persons who were involved in the evaluation, consideration or discussion by Alphapharm to market the Generic Product.

RESPONSE

Alphapharm objects to this topic to the extent that it is directed to willful infringement, which has been dismissed from the case. Alphapharm further objects to this topic as premature because the FDA has not yet approved Alphapharm's ANDA No. 77-603 and therefore

Alphapharm has not started marketing its generic galantamine product. Alphapharm still further objects to this topic as overly broad and unduly burdensome and to the extent that it unreasonably expects a witness to identify *all* names and responsibilities of persons described in the topic. Alphapharm also objects to the extent the the topic calls for information subject to the attorney-client privilege and/or attorney work product privilege. Alphapharm also objects on the basis that the topic is directed to information not relevant to the claim or defense of any party in this action and not reasonably calculated to lead to the discovery of admissible evidence. Alphapharm also objects to the extent that this topic is cumulative and duplicative of the other topics in the Rule 30(b)(6) Notices of Deposition that Plaintiffs served on Alphapharm.

TOPIC NO. 5. The benefits, including revenues and profits, that Alphapharm projects, anticipates, expects, or forecasts it will obtain should Alphapharm's ANDA receive approval from the U.S. Food and Drug Administration.

RESPONSE

Alphapharm objects to this topic as premature to the extent that the FDA has not yet approved Alphapharm's ANDA No. 77-603 and therefore Alphapharm has not started marketing its generic galantamine product. Alphapharm further objects to the extent that the topic calls for information subject to the attorney-client privilege and/or attorney work product privilege. Alphapharm still further objects on the basis that the topic is overly broad, unduly burdensome and is directed to information that is not relevant to the claim or defense of any party in this action and not reasonably calculated to lead to the discovery of admissible evidence.

TOPIC NO. 6. Marketing strategies, marketing plan, and projected sales for Alphapharm's Generic Product.

RESPONSE

Alphapharm objects to this topic to the extent that it is directed to willful infringement, which has been dismissed from the case. Alphapharm further objects to this topic as premature because the FDA has not yet approved Alphapharm's ANDA No. 77-603 and therefore Alphapharm has not started marketing its generic galantamine product. Alphapharm still further objects to this topic as overly broad and unduly burdensome and to the extent that it unreasonably expects a witness to identify *all* names and responsibilities of persons described in the topic. Alphapharm also objects to the extent the the topic calls for information subject to the attorney-client privilege and/or attorney work product privilege. Alphapharm also objects on the basis that the topic is directed to information not relevant to the claim or defense of any party in this action and not reasonably calculated to lead to the discovery of admissible evidence. Alphapharm also objects to the extent that this topic is cumulative and duplicative of the other topics in the Rule 30(b)(6) Notices of Deposition that Plaintiffs served on Alphapharm.

TOPIC NO. 7. Each and every contribution and/or input that Alphapharm, or any employee or agent of Alphapharm, has made to the preparation, decision to file, filing and/or prosecution of Alphapharm's ANDA, including: (a) any information relating to regulatory procedures and strategies for obtaining regulatory approval of the Generic Product of Alphapharm's ANDA; (b) any information comprising, relating to or contained in the 21 U.S.C. § 355(j)(2)(A)(vii)(IV) certifications submitted in connection with Alphapharm's ANDA; and (c) any information comprising, relating to or contained in the statements of factual and legal basis for invalidity, unenforceability, and/or noninfringement included with the notice of these certifications.

RESPONSE

Alphapharm objects to this topic to the extent that it is directed to willful infringement, which has been dismissed from the case. Alphapharm further objects to this topic to the extent that it is directed to infringement, which has been dismissed from the case pursuant to the

Stipulation Not to Contest Infringement. Alphapharm also objects to the extent that the topic seeks information on patents that are not at issue in this litigation. Alphapharm also objects to the extent that the topic calls for information subject to the attorney-client privilege and/or attorney work product privilege. Alphapharm also objects to the extent that the topic purports to seek expert discovery in advance of the Court's Revised Scheduling Order. Alphapharm still further objects on the basis that the topic is overly broad, unduly burdensome and is directed to information that is not relevant to the claim or defense of any party in this action and not reasonably calculated to lead to the discovery of admissible evidence. Alphapharm also objects to the extent that this topic is cumulative and duplicative of the other topics in the Rule 30(b)(6) Notices of Deposition that Plaintiffs served on Alphapharm.

TOPIC NO. 8. The factual basis for Alphapharm's proposed assertion that Alphapharm's ANDA is indicated for the treatment of mild to moderate Alzheimer's disease.

RESPONSE

Alphapharm objects to the topic as being vague, ambiguous, non-sensical and not requiring a witness.

TOPIC NO. 9. The circumstances in which Alphapharm first became aware of galantamine as a treatment of Alzheimer's disease, including but not limited to the date on which this occurred and the people involved.

RESPONSE

Alphapharm objects to this topic to the extent that it is directed to willful infringement, which has been dismissed from the case. Alphapharm further objects to the extent that the topic calls for information subject to the attorney-client privilege and/or attorney work product privilege. Alphapharm still further objects on the basis that the topic is vague and ambiguous,

particularly to the extent that it seeks information on the “people involved,” and is directed to information not relevant to the claim or defense of any party in this action and not reasonably calculated to lead to the discovery of admissible evidence.

TOPIC NO. 10. The circumstances in which Alphapharm first became aware of the ‘318 patent, including but not limited to the date on which this occurred and the people involved.

RESPONSE

Alphapharm objects to this topic to the extent that it is directed to willful infringement, which has been dismissed from the case. Alphapharm further objects to the extent that the topic calls for information subject to the attorney-client privilege and/or attorney work product privilege. Alphapharm still further objects on the basis that the topic is vague and ambiguous, particularly to the extent that it seeks information on the “people involved,” and is directed to information not relevant to the claim or defense of any party in this action and not reasonably calculated to lead to the discovery of admissible evidence.

TOPIC NO. 11. Any consideration or evaluation by Alphapharm to develop a drug product containing galantamine for the treatment of Alzheimer’s Disease.

RESPONSE

Alphapharm objects to this topic to the extent that it is directed to willful infringement, which has been dismissed from the case. Alphapharm further objects to this topic to the extent that it is directed to infringement, which has been dismissed from the case pursuant to the Stipulation Not to Contest Infringement. Alphapharm still further objects to this topic to the extent that it includes products other than the generic product that is the subject of Alphapharm’s ANDA No. 77-603. In Kurt Calia’s letter dated March 10, 2006, Plaintiffs agreed to limit

production of documents to those that relate to the specific products that are the subject of Janssen's NDA No. 21-169 and Defendants' respective ANDAs. Alphapharm also objects to the extent that the topic calls for information subject to the attorney-client privilege and/or attorney work product privilege. Alphapharm also objects on the basis that the topic is overly broad, unduly burdensome and is directed to information that is not relevant to the claim or defense of any party in this action and not reasonably calculated to lead to the discovery of admissible evidence. Alphapharm also objects to the extent that this topic is cumulative and duplicative of the other topics in the Rule 30(b)(6) Notices of Deposition that Plaintiffs served on Alphapharm.

TOPIC NO. 12. Identification of all individuals, whether employees of Alphapharm or third parties, having a role in the consideration or evaluation by Alphapharm to develop a drug product containing galantamine for the treatment of Alzheimer's disease that is the subject of Topic 11, and a description of those roles.

RESPONSE

Alphapharm objects to this topic as overly broad and unduly burdensome in seeking identification of "all individuals" meeting the description in the topic. Alphapharm incorporates herein its objections asserted in response to topic 11, above.

TOPIC NO. 13. Any effort by Alphapharm to develop any drug product other than the Generic Product set forth in Alphapharm's ANDA.

RESPONSE

Alphapharm objects to this topic as overly broad and unduly burdensome because it fails to describe the type of drug. Alphapharm further objects to this topic to the extent that it includes products other than the generic product that is the subject of Alphapharm's ANDA No. 77-603. In Kurt Calia's letter dated March 10, 2006, Plaintiffs agreed to limit production of documents to those that relate to the specific products that are the subject of Janssen's NDA No.

21-169 and Defendants' respective ANDAs. Alphapharm still further objects to the extent that the topic calls for information subject to the attorney-client privilege and/or attorney work product privilege. Alphapharm also objects on the basis that the topic is directed to information not relevant to the claim or defense of any party in this action and not reasonably calculated to lead to the discovery of admissible evidence. Alphapharm also objects to the extent that this topic is cumulative and duplicative of the other topics in the Rule 30(b)(6) Notices of Deposition that Plaintiffs served on Alphapharm.

TOPIC NO. 14. Identification of all individuals, whether employees of Alphapharm or third parties, having a role in the research, development or testing of such a treatment responsive to Topic 13, and a description of those roles.

RESPONSE

Alphapharm objects to this topic as overly broad and unduly burdensome in seeking identification of "all individuals" meeting the description in the topic. Alphapharm incorporates herein its objections asserted in response to topic 13, above.

TOPIC NO. 15. The factual and legal bases for Alphapharm's Second Affirmative Defense that each claim of the '318 patent is invalid for failure to satisfy one or more of sections 101, 102, 103, 112 and 116 of Title 35 of the United States Code.

RESPONSE

Alphapharm objects to the extent that this topic calls for information subject to the attorney-client privilege and/or attorney work product privilege. Alphapharm further objects to the extent that the topic purports to seek expert discovery in advance of the Court's Revised Scheduling Order. Alphapharm still further objects to the extent that this topic is directed to contentions, which information should be sought through interrogatories. Alphapharm also objects to this topic as overly broad and unduly burdensome. Alphapharm also objects to the

extent that this topic is cumulative and duplicative of the other topics in the Rule 30(b)(6) Notices of Deposition that Plaintiffs served on Alphapharm.

TOPIC NO. 16. The factual and legal bases for Alphapharm's Second Counterclaim that each claim of the '318 patent is invalid for failure to satisfy one or more of sections 101, 102, 103, 112 and 116 of Title 35 of the United States Code according to its proof elements, including an element-by-element comparison of each asserted claim of the '318 patent to the prior art Alphapharm relies upon and the motivation of one of skill in the art to combine any references under 35 U.S.C. § 103, as well as a description of any non-prior art defenses such as lack of enablement, insufficient written description, failure to disclose best mode, or claim indefiniteness under 35 U.S.C. § 112.

RESPONSE

Alphapharm objects to the extent that this topic calls for information subject to the attorney-client privilege and/or attorney work product privilege. Alphapharm further objects to the extent that the topic purports to seek expert discovery in advance of the Court's Revised Scheduling Order. Alphapharm still further objects to the extent that this topic is directed to contentions, which information should be sought through interrogatories. Alphapharm also objects to this topic as overly broad and unduly burdensome. Alphapharm also objects to the extent that this topic is cumulative and duplicative of the other topics in the Rule 30(b)(6) Notices of Deposition that Plaintiffs served on Alphapharm.

TOPIC NO. 17. The identity and location of documents and things concerning the foregoing topics.

RESPONSE

Alphapharm objects to this topic as overly broad and unduly burdensome. Alphapharm incorporates herein its objections in response to topics 1-16, above.

TOPIC NO. 18. Alphapharm's document retention policies from 1986 to the present.

RESPONSE

Alphapharm objects on the basis that the topic is overly broad, unduly burdensome and is directed to information that is not relevant to the claim or defense of any party in this action and not reasonably calculated to lead to the discovery of admissible evidence.


TOPIC NO. 19. Persons knowledgeable about the subject matter of the foregoing topics.

RESPONSE

Alphapharm objects to this topic as overly broad and unduly burdensome. Alphapharm incorporates herein its objections in responses to topics 1-18, above.

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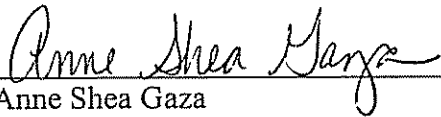
Dated: March 16, 2006

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of March, one (1) true and correct copy of the foregoing **DEFENDANT ALPHAPHARM PTY LTD.'S RESPONSES AND OBJECTIONS TO PLAINTIFFS' RULE 30(B)(6) DEPOSITION NOTICED FOR APRIL 27, 2006**, has been served upon the following counsel:

SEE ATTACHED SERVICE LIST

Dated: March 16, 2006


Anne Shea Gaza

SERVICE LIST

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EXHIBIT C



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[†] ALSO ADMITTED TO PRACTICE IN NY

March 31, 2006

Kurt G. Calia, Esquire
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401

**Re: In re: '318 Patent Infringement Litigation;
Civil Action No. 05-356-KAJ (consolidated)
Our Reference No.: M1260/40001**

Dear Kurt:

This letter is in response to your letter dated March 29, 2006 to Bill Rakoczy regarding last Friday's meet and confer for Plaintiffs' Rule 30(b)(6) deposition notices.

As a preliminary matter, we disagree with some of your characterizations of last Friday's telephone conference. However, to move things forward we are providing dates for Alphapharm's Rule 30(b)(6) deposition. As I had advised you last Friday we were looking into the second week of May and now I confirm that subject to our objections Barry Spencer will be the Rule 30(b)(6) designee for Alphapharm. Mr. Spencer is available for depositions on May 9 and 10, 2006 in New York City at the law firm of Pryor, Cashman, Sherman and Flynn located at 410 Park Avenue. Please advise whether these dates and location are acceptable to Plaintiffs. I will send you early next week a detailed letter specifying the topics for which Mr. Spencer will provide testimony.

As stated in my March 16, 2006 letter to you, Alphapharm is not aware of any licensing efforts with respect to the '318 patent. Nor is Alphapharm aware of any communications with Dr. Bonnie Davis or Synaptech. Therefore, there is no designee for the Rule 30(b)(6) deposition of Alphapharm that Plaintiffs noticed for April 26, 2006.

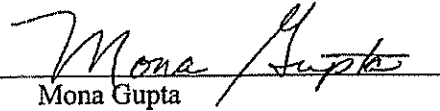
Kurt G. Calia, Esquire
Covington & Burling
March 31, 2006
Page – 2 –

We look forward to an early response to our letter since you can appreciate that Mr. Spencer has to make travel plans from Australia and he needs sufficient notice. Should you want to discuss this matter further, we are available for a telephone conference on Monday, April 3rd.

Cordially yours,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

MG/tc

By 
Mona Gupta

SENT VIA EMAIL AND FEDERAL EXPRESS

cc: All Defense Counsel (see attached service list)
Fred L. Cottrell, Esquire (via e-mail)
Anne S. Gaza, Esquire (via e-mail)

EXHIBIT D



LAW OFFICES

CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD.
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April 7, 2006

Kurt G. Calia, Esquire
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 1201 Pennsylvania Avenue, N.W.
 Washington, D.C. 20004-2401

**Re: In re: '318 Patent Infringement Litigation;
 Civil Action No. 05-356-KAJ (consolidated)
 Our Reference No.: M1260/40001**

Dear Kurt:

This letter is a follow-up to my letter dated April 4, 2006 regarding the Rule 30(b)(6) Deposition Notices to Alphapharm.

Subject to its objections, Alphapharm designates Barry Spencer for Topics 1, 15 and 16 from the April 27, 2006 Deposition Notice. As stated in my April 4th letter, we believe that such a topic is improper since it seeks privileged and/or work-product information and we will make the appropriate objections and instructions not to answer should Plaintiffs attempt to illicit such testimony. As I advised you in my earlier letters, Mr. Spencer is available for a deposition on May 9-10, 2006 at the law office of Pryor, Cashman, Sherman & Flynn in New York, but you still have not responded to these dates. We need to know immediately because of the travel arrangements that will have to be made from Australia.

Cordially yours,

CAESAR, RIVISE, BERNSTEIN,
 COHEN & POKOTILOW, LTD.

MG/tc

By

Mona Gupta

SENT VIA EMAIL AND FIRST CLASS MAIL

cc: All Defense Counsel (see attached service list)
 Fred L. Cottrell, Esquire (via e-mail)
 Anne S. Gaza, Esquire (via e-mail)

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